

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3011
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
ROBERT POPEJOY,	)	
	)	
Defendant.	)	

This matter is before the court on the Magistrate Judge's Recommendation (filing 27) that the defendant's motion to dismiss (filing 20) be denied. The defendant has objected (filing 28) to the Recommendation pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3. After a de novo review of the Magistrate Judge's Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECrimR 57.3, and for the reasons carefully and correctly articulated in his Report and Recommendation, I conclude that the Magistrate Judge's Recommendation should be adopted and the defendant's motion to dismiss be denied.

Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Recommendation (filing 27) is adopted;
2. The defendant's objection (filing 28) to the Recommendation is denied;
3. The defendant's motion to dismiss (filing 20) is denied; and
4. The Clerk of Court shall provide a copy of this Memorandum and Order to the assigned Magistrate Judge.

August 8, 2005.

BY THE COURT:

*s/Richard G. Kopf*

United States District Judge